

405 KAR 30:110. Public participation in inspection and enforcement.

RELATES TO: KRS 350.600

STATUTORY AUTHORITY: KRS 224.033, 350.028, 350.050, 350.600

NECESSITY, FUNCTION, AND CONFORMITY: KRS 350.600 requires the Environmental and Public Protection Cabinet to develop administrative regulations for oil shale operations to minimize and prevent their adverse effects on the citizens and the environment of the Commonwealth. This administrative regulation provides for citizen participation in the inspection and enforcement process. The administrative regulation provides for citizen request for inspection.

Section 1. Citizen Request for Inspection. (1) Any person having an interest which is or may be adversely affected by an oil shale operation, may request that the cabinet conduct an inspection by furnishing to an authorized employee, a signed, written statement, giving the authorized employee reason to believe that a violation, condition, or practice in violation of applicable laws and administrative regulations or permit conditions exists, and setting forth a telephone number and address at which the person can be contacted.

(2) The identity of any person supplying information to the cabinet relating to a possible violation or imminent danger or harm shall remain confidential with the cabinet, if requested by that person, unless disclosure is required by law.

(3) Within ten (10) days of the inspection, or if there is no inspection, within fifteen (15) days of receipt of the person's written statement, the cabinet shall send to the person the following:

(a) If no inspection was conducted, an explanation of the reasons why no inspection was conducted;

(b) If an inspection was conducted, a description of the enforcement action taken, if any, which may consist of copies of the inspection report and all notices and orders issued as a result of the inspection or an explanation of why no enforcement action was taken. (8 Ky.R. 98; eff. 3-1-82; TAm eff. 8-9-2007.)